

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 29494 of 2007(J)

PETITIONER:

MAYA VENUGOPAL,
MANGATTU VEEDU, KIDANGAYAM, KANNIMEL,
NORTH MYNAGAPPALLY P.O., KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:

1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KOLLAM.
2. THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL),
SASTHAMCOTTA, KOLLAM.
3. SREEDHARAN PILLAI,
SASTHAMCOTTA UNIT INSPECTOR, OFFICE OF THE
ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
(GENERAL), SASTHAMCOTTA, KOLLAM.

BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.M.JOSEPH, J.

WP.(C) No.29494 of 2007

Dated this the 8th day of October, 2007

JUDGMENT

Petitioner seeks a direction to the first respondent to refrain from taking over the administration of the Society in question before serving the order to be passed in Ext.P1 notice and a reasonable time thereafter to enable the petitioner to challenge the order to be passed on Ext.P1 notice. Ext.P1 notice is a show cause notice issued under Rule 32 of the Co-operative Societies Act. Members of the Society submitted a detailed reply.

2. I heard learned counsel for the petitioner and the learned Government Pleader. Learned counsel for the petitioner submits that supersession will be effected and therefore the order may be communicated and it may be kept in abeyance for sometime. Government Pleader takes the stand that the matter is governed by the Division Bench. She also contends that if there are no circumstances warranting taking of action under Section 32, it will not be done. The action under Section 32 is an action of last resort. Petitioner has given

the explanation to the allegations. First respondent is duty bound to apply his mind, consider each and every objection and the contentions raised by the petitioner and take a decision in accordance with law. The first respondent must remind himself of the position at law in regard to action under Section 32 and will act strictly in terms of the law as declared by this court in this regard.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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